

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing an Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109

**COMMENTS OF
PCIA—THE WIRELESS INFRASTRUCTURE ASSOCIATION**

I. INTRODUCTION

PCIA—The Wireless Infrastructure Association (“PCIA”) hereby submits these comments in response to the above captioned Federal Communications Commission (“FCC” or “Commission”) *Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking* regarding Universal Service Fund (“USF” or “Fund”) and intercarrier compensation reform.¹

The Commission’s goals of reforming USF and intercarrier compensation to more efficiently

¹ *In re* Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337; CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109; *Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking*, FCC 11-13 (rel. Feb. 9, 2011) (“*NPRM and FNPRM*”).

support the deployment of broadband, including wireless, is laudable. As an element of the broader reform, the Commission should encourage the efficient use of wireless support structures.² Efficiencies are achieved when wireless providers share the underlying physical support structure for wireless antennas. Recognizing the array of regulatory restrictions imposed on wireless infrastructure, the Commission should require collocation opportunities on wireless support structures constructed with USF support to the extent feasible for a given deployment.

II. PUBLIC INTEREST OBLIGATIONS AND RULES FOR SUPPORTED PROVIDERS SHOULD ENCOURAGE THE EFFICIENT USE OF WIRELESS SUPPORT STRUCTURES

Public interest obligations are a traditional element of USF. For instance, supported incumbent local exchange carriers traditionally have been required to meet carrier of last resort requirements imposed by state regulation.³ Now, as the Commission attempts to transition the Fund to support 21st century technologies, it seeks to expand the public interest obligations of supported providers including joint infrastructure use.

The Commission explains that commenters have suggested considering “policies to encourage sharing of infrastructure, including by residential and anchor institution users.”⁴ As the Commission notes, “facilities-sharing arrangements could result in more efficient use of supported infrastructure.”⁵ For example, collocating wireless antennas on existing structures such as towers is an efficient means of deploying wireless networks.

² The phrase “wireless support structures” will be used herein and refers to all types of towers and other support structures constructed for the purpose of supporting antennas and other equipment for the provision of wireless services.

³ *NPRM and FNPRM* ¶ 91.

⁴ *Id.* ¶ 148.

⁵ *Id.*

When wireless providers share a physical support structure for wireless antennas, they are able to provide improved coverage and/or capacity in a geographic area without having to construct a new support structure. By collocating on an existing support structure, a wireless provider can reduce the capital expenditure for a given deployment tenfold.⁶ The Commission has recognized the economic and competitive benefits of collocation.⁷

PCIA previously recommended in context of the proposed Mobility Fund that the Commission require collocation on support structures constructed with Mobility Fund support when feasible under the circumstances.⁸ This policy will encourage efficient use of infrastructure while also recognizing that state and local regulation of wireless infrastructure may impose conditions that make collocation infeasible or impossible.⁹ The same rule should apply to wireless support structures constructed with USF support.

While collocation is efficient and enables competition, local and state regulations may impose burdensome conditions that make collocation infeasible or even impossible. As explained in detail in PCIA's Mobility Fund comments, regulations may impose severe height limitations for wireless support structures (particularly in commercial and residential areas), which reduce the space available for collocations.¹⁰ Therefore, while collocation should be required on support structures constructed with USF support, the Commission must recognize the practical reality that it may not be feasible for every deployment.

⁶ Comments of PCIA—The Wireless Infrastructure Association, WT Docket 10-208, at 3 (filed Dec. 16, 2010) (“PCIA Mobility Fund Comments”).

⁷ *In re* Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, WT Docket No. 09-66, *Fourteenth Report*, FCC 10-81 ¶ 288 (rel. May 20, 2010).

⁸ *See* PCIA Mobility Fund Comments.

⁹ *Id.* at 5-7 (explaining some of the regulatory requirements imposed on wireless infrastructure providers by state and local governments such as height restrictions, camouflaging, and attachment techniques).

¹⁰ *Id.*

However, PCIA does not suggest that the Commission should require sharing other infrastructure or network elements. As cited by the Commission in the *NPRM and FNPRM*, COMPTTEL argues for policies that require incumbent local exchange carriers to “provide nondiscriminatory access to their broadband networks at wholesale rates to competing broadband service providers.”¹¹ This is far different from PCIA’s suggestion, which is focused exclusively on efficient use of wireless support structures.

The wireless infrastructure industry is highly competitive and characterized by hundreds of infrastructure providers that are independent from spectrum licensees as well as licensees that voluntarily market their tower assets to other licensees. Infrastructure owners have an incentive to maximize the number of collocators on a tower. The addition of another provider to a support structure generally is not a disincentive to the first provider to undertake the initial deployment.

If a supported wireless provider constructs a new tower to meet its service and build-out obligations and needs, the structure should be constructed to support antennas from additional providers. The opportunity to collocate on existing infrastructure helps to reduce the capital costs of deploying in traditionally unserved or underserved geographies, thereby facilitating competitive entry.

III. STATE AND LOCAL REGULATION OF WIRELESS INFRASTRUCTURE MUST BE ACCOUNTED FOR AND ADDRESSED IN THE CONTEXT OF USF GOALS

PCIA encourages the Commission to also recognize the possible negative impact that state and local regulation of wireless facility siting may have on its USF goals. State or local regulation of wireless facilities siting can add significant delay to the deployment process or discourage entry even by a USF supported wireless provider. Despite supported wireless

¹¹ Comments of COMPTTEL, WT Docket 09-51, at 9 (filed June 9, 2011).

providers' improved access to capital, they may still be faced with extreme deployment barriers at the state and local level. The Commission has begun to examine this issue in a comprehensive way.¹² Nonetheless, the Commission must recognize the impact of the highly disparate and burdensome regulatory environment facing wireless providers on deployment decisions under its USF policies.

As a possible solution, the Commission could work with state governments within the context of the federal-state partnership on USF to encourage state laws that streamline the wireless infrastructure siting process for infrastructure deployments with USF support, and collocations on infrastructure constructed with USF support. The national priority of stimulating wireless and broadband deployment is paramount and should not be unreasonably burdened by overly restrictive state and local regulation.

¹² See *In re* Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting, WC Docket No. 11-59, *Notice of Inquiry*, FCC 11-51 (rel. Apr. 7, 2011).

IV. CONCLUSION

As described herein, the Commission should encourage efficient use of wireless infrastructure by requiring collocation opportunities on wireless support structures constructed with USF support if feasible under the circumstances.

Respectfully submitted,

PCIA – THE WIRELESS
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